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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,850	10/10/2003	Jesse Jewell Prince	32656/291285	2741

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,850

Applicant(s)

PRINCE ET AL.

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/27/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

Handwritten signature or mark.

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DETAILED ACTION

Claims 1-20 are pending in the instant application.

Information Disclosure Statement

The information disclosure statement filed 6/27/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. More specifically, foreign patent DD253367 was not received in its entirety as the full legible patent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frejborg (5607589).

Referring to claims 1-3. Frejborg discloses a "Multiple Contour Screening Cylinder" as claimed. See Figs. 1-6 and respective portions of the specification. Frejborg discloses screen cylinder (10) with a wall having an interior side (11), an

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exterior side (12), and a plurality of apertures (22) through the wall, each aperture comprising an outer section and an inner section, the outer section having a first opening and the inner section having a plurality of second openings, wherein the second openings open from the interior side to the first opening and the first opening opens to the exterior side (See Figs. 1,3-5).

Referring to claims 4-6. Frejborg discloses that the openings are typically slots, but may comprise substantially round (drilled) holes (See Col. 5 l. 32-33). Frejborg further discloses that the grooves that the micro and macro groove configurations could vary (See Col. 7 l. 65 – Col. 8 l. 2). Additionally, Frejborg discloses that the screen cylinder sections maybe made of ceramic instead of steel and that a combination of castings and sizing aperture machining could be used inclusive of water-jet or laser cutting. (See Col. 8 l. 21-28).

Referring to claims 7-8. Frejborg discloses that the second openings are substantially perpendicular relative to the interior side (See Fig. 1, 3-5). Frejborg further discloses that the second openings are at an acute angle relative to the interior side (See Col. 7 l. 25-35 & Fig. 5).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-11,13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleming (6622950).

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Referring to claim 9,15-16. Fleming discloses a "Slot Configuration For a Separator with Slotted Walls" as claimed. See Figs. 1-5 and respective portions of the specification. Fleming further discloses a conduit (26), an inlet tube (22) connected to the conduit for providing the conduit with hard and soft material, a separating apparatus comprising a wall having an interior and exterior side and a plurality of apertures (18) and a device (12) for moving the hard and soft material along the conduit from the inlet tube to the apparatus end of the conduit (See Col. 2 l. 27-40). Additionally, Fleming discloses that the apparatus is a screen as is cylindrical in shape. (See Figs. 2-5).

Referring to claim 10-11,14. Fleming discloses a fluted auger located within the separating chamber, which rotates in a direction of auger rotation for advancing material from the upstream end of the separating chamber to the downstream end. It is broadly construed and generally understood that auger (12) is driven by a motor assembly.

Referring to claim 13. Fleming discloses a pressurization arrangement, which maintains the pressure on the material as the material passes through the separating chamber. (See Col. 2 l. 35-38). Fleming further discloses a ring valve (32), which is adjustable in an axial direction, for controlling the size of an annular discharge orifice located between the confronting surfaces of ring valve (32) (See Col. 4 l. 1-4).

Referring to claims 17-20. With respect to claims 17-20, the method described in these claims would inherently result from the use of Flemings apparatus as advanced above (See Claim rejections 9-10, 14-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Bolton, III (3726401).

Referring to claim 12. Fleming discloses the invention as described above. Fleming does not disclose that the material flows away from the motor assembly. Bolton discloses a "Screening Machine" as claimed. See Figs. 1-4 and respective portions of the specification. Bolton discloses a screening machine where means are provided where flow takes place therein in reverse direction to the screening flow (See Col. 4 l. 15-25). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fleming to include the teachings of Bolton wherein the material flows away from the motor assembly so that recirculation was adjusted to aid in separation depending with respect to the conditions and material being separated.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mason U.S. Patent 4986900 discloses a "Sectional Screen Cylinder" comprising a plurality of ceramic elements in arcuate form having screen openings and extending edges carrying a tongue and a groove.

Chupka U.S. Patent 4795560 discloses a "Screen Plate" comprising slots, which have been cut through by a machining laser beam.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571) 272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600